

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PERCEY LEE RIC'E,

Plaintiff,

v.

PERRY RUSSELL, *et al.*,

Defendants.

Case No. 3:23-cv-339-MMD-CLB

ORDER

Pro se Plaintiff Percy Lee Ric'e, who is incarcerated at the Northern Nevada Correctional Center, brings this action against defendants Perry Russell and Sandra Walker (collectively, "Defendants") under 42 U.S.C. § 1983 alleging claims under the Eighth Amendment, Fourteenth Amendment, Americans with Disabilities Act, and Rehabilitation Act. (ECF Nos. 1, 6.) Before the Court is United States Magistrate Judge Carla Baldwin's Report and Recommendation (ECF No. 46 ("R&R")), recommending that the Court grant Defendants' motion for summary judgment (ECF No. 31("Motion")). Ric'e had until July 23, 2025, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R and will grant Defendants' Motion.

Because there was no objection, the Court need not conduct *de novo* review. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the magistrate judges' findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.") (emphasis in original). Here, Judge Baldwin recommends granting summary judgment because Defendants argued with supporting evidence that Ric'e failed to properly exhaust his administrative remedies, and Ric'e failed to present evidence that he exhausted his available

1 administrative remedies. (ECF No. 46 at 7-8.) Having reviewed the R&R and the record
2 in this case, the Court will adopt the R&R in full.

3 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
4 No. 46) be adopted in full.

5 It is further ordered that Defendants' motion for summary judgment (ECF No. 31)
6 be granted.

7 The Clerk of Court is directed to enter judgment accordingly and close this case.

8 DATED THIS 1st Day of August 2025.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE
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